

LegislationWATCH

THE No.1 RESOURCE FOR WORKPLACE LAW AND HEALTH AND SAFETY

Before, during and after the flood

**Planning and preparing for floods
is no longer optional.**

See page 14

Inside this issue...

**Fire safety during
the pandemic**



**Slow and steady: the
law of the car park**



**Protecting
site visitors**



**SAFETY
MADE
EASY**



Editor
Cheryl Peacock

Designer
Nada Curley

UK General Manager
Sally Felstead

Head Office
14 Wildmere Road
Banbury
OXON
OX16 3JU

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or any information storage or retrieval system without the express prior written consent of the publisher. The contents of Legislation Watch are subject to reproduction in information storage and retrieval systems. Legislation Watch is not a substitute for Health and Safety consultancy. The information in this publication and online is for general guidance and is not legal advice. If you have any specific questions about any legal matter, you should seek independent advice, consult your lawyer or other professional legal services provider. You should never delay seeking legal advice, disregard legal advice, or commence or discontinue any legal action because of information found in this publication or on the website.

Contents



03 // Legal update

**04 // Keeping it clean:
How COVID-19 has
changed the way we
clean workplaces**

**08 // Continuing fire safety
during the pandemic**

**10 // Preparing for an
unpredictable winter**

**14 // Before, during and
after the flood**



**16 // Visual communication:
more to it than meets
the eye**

**20 // Protecting site visitors,
including the uninvited
ones**

**22 // Slow and steady: the
law of the car park**

24 // Q&As

26 // News round up

Note FROM THE EDITOR...



The COVID-19 outbreak has seen us all face some major challenges, and organisations both large and small are undoubtedly feeling the brunt of the virus. Business owners are not only facing the daunting task of keeping their employees safe, but they are adjusting to new ways of working while trying to plan for an unpredictable and uncertain future. COVID-19 has certainly shaken the world but we will continue to find ways to carry on safely.

Don't forget you can download every issue of **Legislation Watch Magazine for free**. If you have a question about health and safety or workplace law, why not [Ask the Expert?](#)

Stay safe and healthy.

Cheryl Peacock - Editor

Follow Seton on:



Facebook



Twitter

Contact us:

Freephone 0800 585501

Online www.seton.co.uk

Email sales@seton.co.uk

Legal UPDATE



Preparing for new Brexit rules

The UK has left the EU and the transition period after Brexit comes to an end in December. The Government is urging businesses to prepare for changes to the UK's relationship with the EU ahead of 1 January 2021. There is a risk business operations will be interrupted and businesses should check with suppliers and customers that they are taking action.

Regardless of whether the UK reaches a trade agreement with the EU, from 1 January 2021 there will be guaranteed changes to:

- the way businesses import and export goods;
- the process for hiring people from the EU; and
- the way businesses provide services in EU markets.

You can check what actions you need to take by visiting gov.uk/transition



COVID-secure Guidelines

Employers and employees have a responsibility to follow the specific COVID-secure guidelines set out for their sector or industry. There are 14 guides which relate to different kinds of workplaces.

24 September – NHS QR Code

Any business open to the public must display an NHS QR Code from 24 September 2020.

Visit gov.uk to find out the latest coronavirus restrictions and developments

Keeping it clean: how COVID-19 has changed the way we clean workplaces

The COVID-19 pandemic has changed the way that all businesses operate. For those companies that are taking steps to reopen, the requirement to limit viral transmission and clean the workplace regularly can seem overwhelming.

However, with diligent planning, fit-for-purpose products and practical staff training in place, businesses can kick-start their operations and implement effective cleaning processes without compromising workplace efficiency.

Making the workplace safe – what the law says

Health and safety legislation in the UK mandates that employers must provide a certain level of cleanliness in the workplace under the Workplace (Health, Safety and Welfare) Regulations 1992. Employers are obligated to provide workplaces with clean floors, stairs, premises, furniture and fittings, and to clean dirt, refuse and spills promptly.

Now, employers have additional obligations to provide a COVID-safe environment. The HSE has issued guidelines to help make workplaces COVID-secure during the pandemic, including how to clean workplace premises, bathrooms and vehicles, and how to train cleaning staff to handle the new challenges.

CONTINUED... ►►

Cleaning and COSHH compliance

COSHH, or the Control of Substances Hazardous to Health Regulations 2002, requires employers to control the use of harmful substances. More frequent cleaning will increase the risks associated with COSHH, as employees will be handling hazardous substances to carry out more thorough and frequent cleaning activities.

To be COSHH compliant, employers must ensure that potentially dangerous substances or flammable liquids are stored in specialist bins or cabinets. Safety data sheets detailing hazard/health effect details alongside general handling precautions must be provided by the supplier to meet their legal responsibilities. These can be kept in COSHH ring binders or safety document holders, close to the hazardous materials. Chemical handling instructional guides are also available

to ensure that employees are properly informed about how to protect themselves.

Cleaning and COVID-19

According to Public Health England, the risk of infection can depend on the type of surface that is contaminated, the amount of virus that an individual sheds, how much time the individual spent in an area, and how much time has passed since they left.

The main route of transmission is from airborne droplets spread through coughing, talking or sneezing. These can be directly inhaled, or picked up from surfaces where the droplets may have landed. The length of time that the virus can survive on a surface will depend on factors such as:

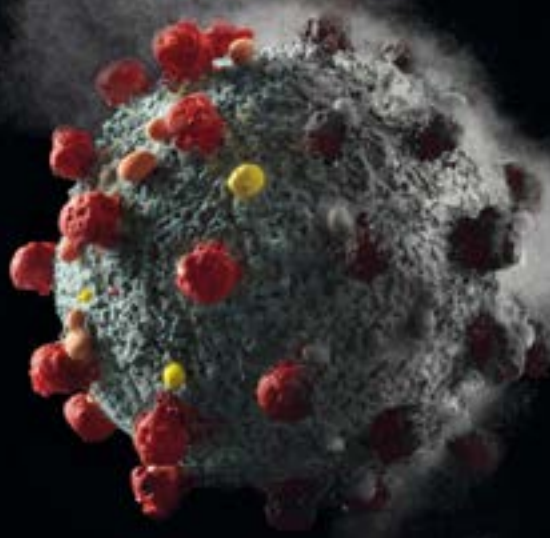
- The type of surface, i.e. metal, plastic, cardboard, fabric, etc.
- Whether the surface is exposed to sunlight
- Temperature and humidity levels
- Exposure to cleaning products

Previous laboratory testing had confirmed that the virus can survive for up to six days on smooth surfaces such as plastic and stainless steel. However, new research published by Australian agency CSIRO has found that the virus can remain infectious on non-porous surfaces for up to 28 days in the right conditions.

Cleaning, disinfecting and sanitising

The terms 'cleaning', 'disinfecting' and 'sanitising' are often used interchangeably to describe the same processes. However, these processes are different and have varying levels of effectiveness.

- **Cleaning** refers to the physical process of removing germs, dirt, bacteria and viruses from a surface. Importantly, cleaning does not necessarily kill germs and bacteria, but it will move the germs off the surfaces and objects that people are more likely to come into contact with, such as countertops, handles – and even hands.



- **Disinfecting** typically involves the use of chemicals, or 'antimicrobials', to kill germs, pathogens and micro-organisms that cause disease. Unlike cleaning, disinfecting does not necessarily mean that dirt or grime is removed from a surface, but the germs that live on that surface will be killed. This limits the potential spread of infection from the germs.

- **Sanitising** eliminates almost all bacteria on a surface, which in turn decreases the risk of infection. However, even though sanitisers kill 99.999% of bacteria, the use of sanitisers alone cannot destroy all viruses.

Public Health England has a series of recommendations for cleaning and disinfection in the workplace, along with specifications about the kinds of disinfectants that should be used.

How to implement an effective cleaning regime

To develop a comprehensive cleaning plan for a workspace, it is important to start by carrying out a COVID-19 risk assessment to identify areas that are frequently touched and will therefore require regular cleaning.

Public Health England recommends that, where possible, clutter should be reduced and that, for general cleaning purposes,

surfaces should be wiped down at least twice a day. One of these applications should be at the beginning or end of the working day. In 'non-healthcare' settings standard cleaning products, such as detergents and bleach, can be used as usual, and should be applied to all surfaces, but especially those that are touched frequently, such as door handles, light switches, work surfaces and taps.

'High touch' areas, such as bathrooms and communal kitchens, and workplaces that see a high level of traffic, such as stores, gyms or busy warehouses, may need to be sanitised more regularly to minimise transmission. Employers should stock up on the correct cleaning products and sanitisers to keep the workplace COVID-safe.

Employees should receive training in all aspects of the cleaning plan, including how to properly clean surfaces, how to use products in a way that is compliant with COSHH, and the correct wearing of PPE. They should also be trained to maintain good workplace organisation, using purpose designed solutions, such as cleaning stations and trolleys, for the safe storage of equipment and products. Information and instructional signage are also essential tools to notify staff or

visitors that rigorous cleaning practices are in place and that the correct hygiene protocols should be observed.

Social distancing should form part of your risk assessment. Some of the measures you can put in place include using heavy-duty floor tape, paint or floor signs to demarcate work areas and installing social distancing and infection control signage to remind staff, customers and visitors to keep a 2m distance, practise good handwashing techniques, and to use hand sanitiser stations.

Seton recommends...



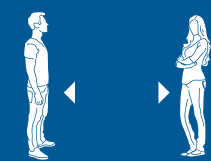
Infection control supplies at market leading prices.



Hands.

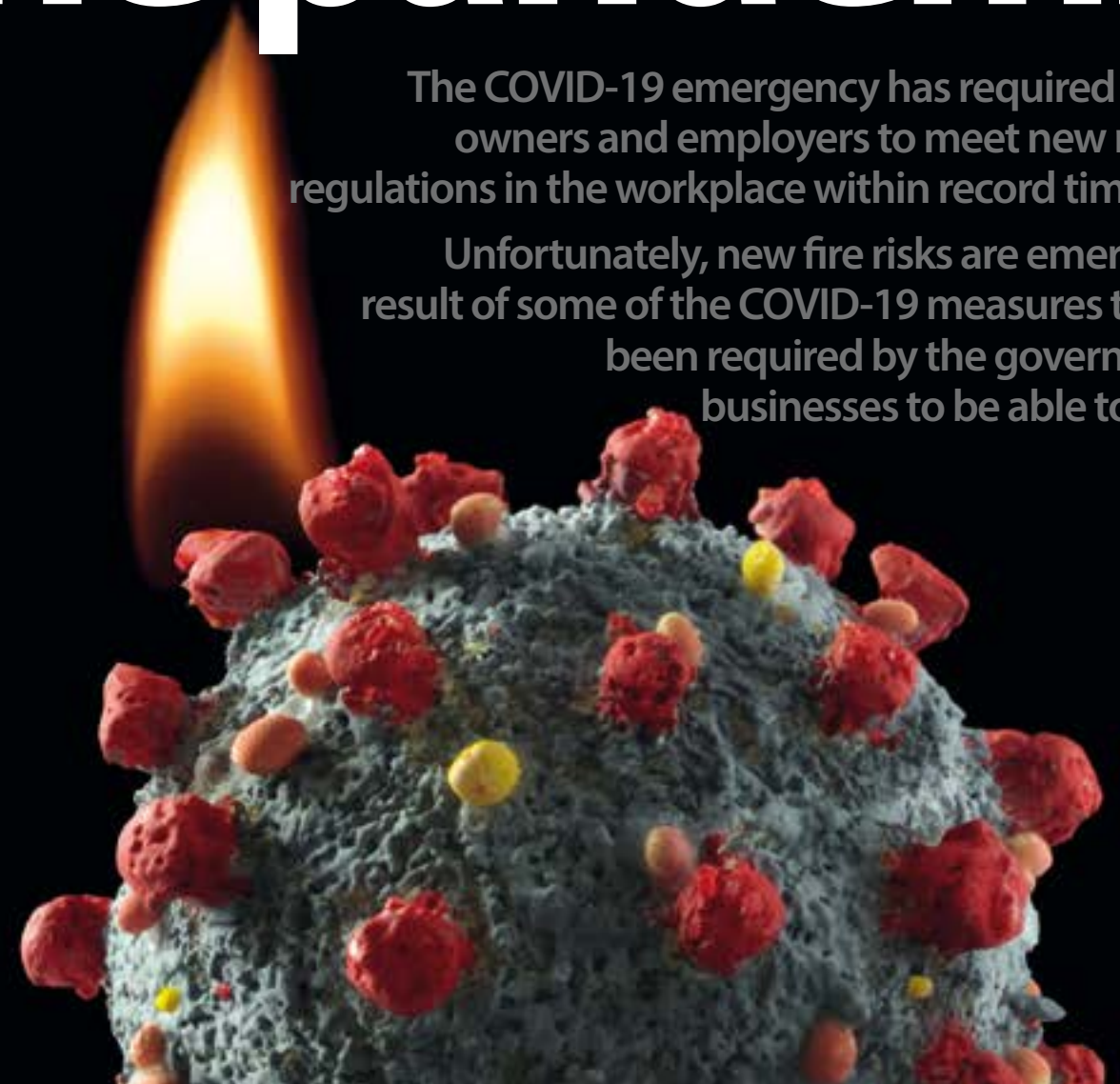
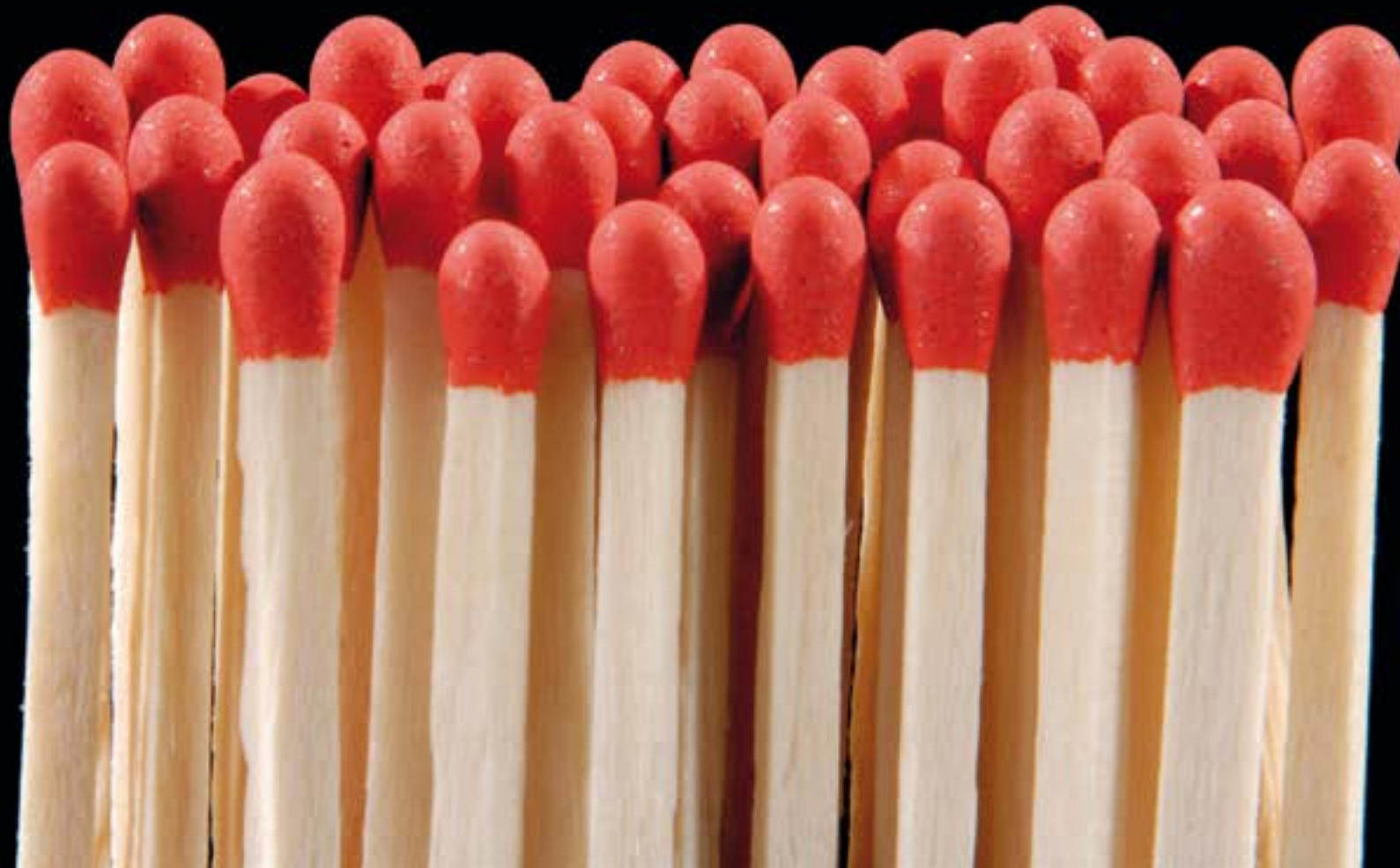


Face.



Space.

CONTINUING FIRE SAFETY during the pandemic



The COVID-19 emergency has required business owners and employers to meet new rules and regulations in the workplace within record timeframes.

Unfortunately, new fire risks are emerging as a result of some of the COVID-19 measures that have been required by the government for businesses to be able to reopen.

According to the Home Office's latest report on fire and rescue incidents in 2019, the fire and rescue services battled 153,957 fires; there were also 243 fire-related fatalities. It has been estimated that fire damage to homes and businesses costs over £1 billion a year. Despite the fact that many of us are working or shielding at home, statistics show that fire-related incidents in the workplace are no less common.

Following the law

In their struggle to keep up with new recommendations and guidelines, business owners are having to find creative solutions to be able to keep their businesses open whilst adhering to COVID-19 protocols.

Employers have a duty of care to their staff, customers and visitors, and it is imperative

that fire safety is not compromised during workplace re-structuring. For reference, the Regulatory Reform (Fire Safety) Order 2005 covers general fire safety in the UK, and states that it is the employer's responsibility to ensure that premises are well prepared in the event of a fire.

To meet your responsibilities you will need to have the correct fire safety equipment in place to support your fire safety and evacuation planning. This will include the installation of fire alarms, fire extinguishers and other fire-fighting equipment to meet fire safety regulations in your specific workplace.

Updating your risk assessment

As businesses seek to make their workplace COVID-secure, structural changes may be

needed to accommodate new social distancing guidelines. These alterations may be compromising your existing fire safety strategy. The addition of new screens or partitioning, for example, may affect smoke detection, fire doors may be propped open illegally, previously used doors or accesses may now be locked, routes through a workplace may have been re-directed to introduce one-way traffic flows.

The National Fire Chief Council has asked that businesses review their Fire Risk Assessments in light of the recent changes, as well as observing safety precautions within closed premises or buildings that are not in use. The HSE has a helpful guide for businesses on how to perform an effective health and safety assessment.

Where businesses have been forced to make closures, whether temporary or permanent, it is important to be aware of the potential fire risks associated with empty premises, including arson, and mitigate potential hazards as appropriate.

Taking another look at evacuation plans

While performing a fire risk assessment it is essential to review and update evacuation plans every time a change is made to the workplace premises. This should take into account the special or additional needs of employees, customers, visitors or residents who may be vulnerable, including those who are elderly, or who have limited mobility or visual impairment. Responsible persons and fire wardens should be elected and trained to ensure that safe

evacuation procedures and social distancing are observed in the event of a fire. Regular fire alarm testing and internal fire protection checks must be undertaken as usual.

As part of this process, employers should review Personal Emergency Evacuation Plans (PEEPs) with their staff. These procedures are necessary to ensure that individuals who may have difficulties evacuating a building without support or assistance can get to a 'Total Place of Safety'. This denotes a place, away from the premises, in which people are in no immediate danger from the effects of a fire. PEEPs are particularly important in the care sector and should accurately reflect the needs of staff, residents and visitors on the premises.

Retraining staff for fire safety

Thorough, up-to-date training is mandatory to properly equip staff to be able to follow procedures in the event of a fire emergency. Employees should be regularly updated regarding potential new fire hazards and notified of any changes to evacuation routes that have been necessitated by COVID-19 workplace adjustments. Staff should also be trained to practise social distancing while waiting at fire assembly points during fire drills.

The importance of maintaining optimal fire safety alongside the implementation of mandatory COVID-19 measures cannot be over-emphasised. For further guidance check the government website: [Fire Safety in the Workplace](https://www.gov.uk/guidance/fire-safety-in-the-workplace).

Preparing for an unpredictable winter

Everyone knows that winter weather conditions can pose serious risks to health and safety, but cold weather can also have a freezing effect on the economy. The impact of the Siberian 'Beast from the East', which collided with 'Storm Emma' in early 2018, was estimated to have cost the UK economy roughly £1 billion a day, rising to £2bn in the construction industry as workers were forced to down tools over the three worst days.

CONTINUED... »



Build communication lines – contingency planning

When the weather is so severe that it is hazardous for staff to even travel to work, it is important to be able to communicate with them quickly. Before the winter weather has started, build lines of communication with employees so that you will be able to reach them when you need to.

When weather conditions begin to worsen or in the event of a storm, remind your staff to check their email or phone messages each morning to ensure that they receive your communication before heading into work.

Gauging when to tell your employees to stay away from the worksite can be difficult, and will require you to be diligent in the early morning, when the government makes recommendations regarding whether to stay inside in the event of severe weather.

Naturally, the best made plans can go awry and serious storms will always pose unforeseen risks and threats that have not been accounted for. However, with a thorough risk assessment, well-informed employees and careful planning, your business will be in a better place to ride the storm and resume 'business as usual' in the aftermath.

However, the weather does not have to include heavy snowfall to pose a risk to businesses. Cold, wintry weather can cause freezing conditions, for which employers need to be prepared. Below are a few simple steps you can take to increase your winter weather preparedness, so that you and your staff know exactly what to do once the temperature begins to descend.

Review the laws and regulations

According to government guidelines, there is no law regulating the minimum or maximum temperatures in the workplace. The Health & Safety Executive (HSE) suggests that minimum temperatures should range between 13-16°C for workers who are engaging in physical labour. Employers are obligated, however, to keep temperatures at a comfortable level and provide their employees with fresh, clean air.

The HSE also recognises that working outdoors in cold weather can carry serious health risks as there are roughly 20,000 deaths in the UK every year as a result of hypothermia. It provides a series of recommendations for increasing the safety of working outdoors in cold conditions, which include:

- Ensuring that employees understand the importance of wearing the correct PPE while working in cold conditions
- Delaying work that can be rescheduled to slightly warmer months of the year
- Training employees to recognise signs of cold stress
- Providing employees with mobile facilities for warming up during breaks.

It is the employer's responsibility to ensure that the worksite is safe, and that health hazards and risks are mitigated, so it is important to take the time to educate staff and provide the proper facilities for those working outdoors.

Include winter weather in your risk assessment

The weather is becoming increasingly difficult to predict accurately in light of changing climate conditions. As weather patterns become more extreme and more erratic, it is vitally important to include winter weather considerations in your general risk assessment.

Some of the most important areas to include are road and pathway safety, and a safe water supply. Frosted car parks, walkways and building entrances can become slip hazards for anyone visiting a worksite, for which the landowner is liable. It is also possible for water supplies to freeze over during a storm if water lines have not been prepared for potential freezing temperatures.

Routine risk assessments, together with regular maintenance checks of fire and

carbon monoxide detectors, winter safety equipment and supplies will ensure that you are fully stocked with the necessary materials before a storm arrives.

If you have never performed a risk assessment and need advice, the HSE has a series of helpful guidelines on how to identify areas of risk and put procedures in place to mitigate health and safety hazards.

Develop plans for winter weather

Risk assessments should factor in weather-related considerations and a number of different emergency response plans should be drafted to meet varying levels of severity. Although this process may seem tedious, it may prove invaluable later to have a series of protocols in place for handling frosty winter weather, small snowstorms or more severe winter weather.

Stock up on winter preparedness essentials

When preparing for winter, stock up in advance on cold weather essentials such as grit, salt and other de-icers. This is a priority as employers are liable for injuries caused by slips or falls. You will need to ensure that you have watertight (lockable if possible) grit bins installed and fully stocked with de-icing salt at the end of Autumn to ensure that you are ready to act quickly when temperatures start to drop.

You should also elect dedicated staff members or caretakers to check weekly forecasts and manage gritting and de-icing procedures. The best time to start gritting is either early in the evening, before damp walkways have frosted over, or first thing in the morning, before staff and visitors arrive at the workplace.

Seton recommends...



Style No. ICE3

Style No. WSS0053

Style No. GRIT10

Before, during and after the flood

Since 1910, there have been 17 record breaking months of rainfall in the UK. Nine of these have

been since the year 2000, which shows that we are experiencing higher levels of rainfall than before. More recently, the winters of 2013/14 and 2015/16 have been the wettest on record, with widespread impacts from damage caused by flash flooding.

According to the UK Environment Agency (EA), roughly 40% of businesses that suffer a major loss after a flood will not reopen afterwards. Repairing flood damage also comes with a hefty price tag - every year it is estimated that floods cause about £1.1 billion in damage across England.

Increased flooding in the UK shows no signs of stopping

Planning and preparing for floods is no longer optional as the problem continues to worsen every year. The EA has warned that the problem will only increase in severity and frequency as temperatures continue to rise. It is therefore essential that businesses develop comprehensive contingency plans to reduce the potential impact of flooding, even if their premises are not usually affected.

The UK government has a three-tiered flood warning system – flood alert, flood warning and severe flood warning, which all have separate levels of urgency. Your response should be proportional to the flood warning level, and the government has a series of recommendations regarding what to do to protect your business during a flood.

Before the flood (get prepared)

There are a number of steps you can take to mitigate flood damage before the waters have even begun to rise.

- Check whether your area is at risk for flooding and sign up for flood warnings if appropriate.
- Prepare a flood plan - every business, regardless of size, should have a comprehensive flood plan. This is a document that explains how your company should react during a flood. It should be easy to access, and easy to communicate to staff so that they will be able to remember it in a time of emergency. The EA has a sample flood plan that businesses can adapt for their own use.
- Stock up on the necessary flood control equipment to support your flood plan, including flood barriers and absorbents to prevent or shield against water damage.
- Ensure that you can access your business insurance documents in an emergency.

During the flood (act)

- Evacuate staff, customers, residents or visitors to a safe place.
- Turn off gas, electricity and water main supplies. Never touch an electrical switch if you're standing in water.
- Set up your flood protection equipment to minimise water damage.
- Move electrical and IT equipment, files and documents, furniture and other important items upstairs or to safety.
- Move vehicles to higher ground if safe to do so.
- Wash your hands if you've been in contact with floodwater as it may contain toxic substances.
- Call 999 if in immediate danger and follow advice from emergency services.

After the flood (clean and repair)

- If you have had to leave the premises check with the emergency services that it's safe before you return.
- Arrange a safety inspection by the utility companies before turning main supplies back on.
- Before starting the cleaning up process take photos to document damage and record the flood water height.
- The Health & Safety Executive (HSE) has a series of protocols on how to safely clean and recover your business in the aftermath of a flood. There are many health and safety hazards to consider, some of which may not be visible. It is important to avoid coming into contact with floodwater, wear proper PPE, be cautious of electrical hazards, and to be aware of any potential chemical or gas leaks that may have occurred as a result of the flooding.
- Employ heavy duty drainage pumps for powerful and effective draining of water, sewage, soft materials and other liquids.
- Seek advice on repairing your premises to help protect against future flooding.

The UK government has issued guidelines on how to recover after a flood. It is important to contact your insurance company and follow their advice; if you are not insured against flooding, the National Flood Forum can provide support.

Seton recommends...



Style No. 86268011000



Style No. 3045CA100



Style No. TRF0988RPM

Visual communication:

MORE TO IT THAN MEETS THE EYE

Visual signs and signals are all around us. Our perception of the world is constantly being influenced by visual safety communications, such as traffic lights, road safety signs and instructional safety guidance, both in and outdoors.

Highly visual signage is also a powerful and effective way for employers to communicate with employees, customers and visitors, and it plays an integral role in maintaining a safe and well-organised workplace.

Ensuring that your workplace is up to code

Visual indicators and signals keep your employees safe, but they are also required by law under the Health and Safety (Safety Signs and Signals) Regulations 1996. This legislation requires employers in the UK to ensure that workplace premises have accurate and highly visible health and safety signage and signals.

The HSE provides practical advice and guidance for employers, and others who have responsibility for the control of worksites and premises, on how to comply with these regulations. This guidance stipulates that employers are obligated to carry out regular, comprehensive risk assessments of their premises to discover and monitor any new and emerging hazards.

While the regulations make it clear that employers have a responsibility for ensuring that safety signs are provided and maintained in circumstances where there is a significant risk to health and safety, they also state that they are not a substitute for other health and safety

procedures. It is still incumbent on the employer to fully communicate risks, train staff, and take steps to mitigate the risk from the hazard in question. Ensuring that your workplace adheres to the standards of the Safety Signs and

Signals Regulations will increase the overall safety of your worksite, while also protecting yourself and your business from any future liability claims.

Enhancing organisation

A clean and organised worksite will reduce the likelihood of unnecessary objects lying around that can cause an accident. Visual signs and communication techniques can help to improve organisation and increase workplace safety.

- Directional markings – factory floors and warehouses can be busy, chaotic places, especially for newly hired staff who are not yet accustomed to the flow of work and its processes. Marking out pathways and making clear directional distinctions, through the use of floor tapes, mats, arrows and signs, can both improve the flow of the worksite and increase personal safety.
- Creating work zones – some companies find that creating distinct work zones for specific roles or tasks increases efficiency and boosts office

organisation. Heavy-duty reflective floor tape can be used to mark out temporary workplace zones. This can be replaced by floor paint in the future, once the zoning parameters are ready to be made permanent.

- Labels – while proper labelling is essential to keep areas organised, it also plays an integral role in maintaining a safe and secure working environment. Depending on your business sector, labelling equipment and machinery is paramount, along with any chemicals, solvents, or acids that are used at the worksite.
- Shadow boards – these are a great way to increase organisation in every zone, including workstations, cleaning areas and even desks. Shadow boards will make your worksite look better while also ensuring that the correct tools and materials are always replaced – so no one wastes time looking for tools again.

If you are looking to boost your workplace's visual communication strategy, consider additional solutions such as floor markings to delineate work zones, colour coded status markers to help with stock control,

and on/off or stop/start equipment markers to let operators know instantly the status of a piece of machinery.

When workers view the same signs every day, they can become desensitised and may no longer pay attention to what is being communicated. It is therefore important to continually update safety signage to ensure that workers notice the signs, recognise risks, and remain vigilant for any potential health and safety hazards. Another way to avoid 'sign blindness' is to regularly consult with employees about how they perceive the signs, signals and overall visual communication in the workplace.

Creating a visual workplace will create a positive safety culture that will not only benefit existing employees, but will also help any new starters or visitors to understand the safety practices in place. Furthermore, using clear, compliant safety signage, bearing standardised colour coding and symbols, will also ensure workplace safety for non-English speakers.



SETON Safety Sign Alerter

Ensure critical safety
messages are never missed

Eye-catching LEDs illuminate the sign

High powered speaker provides
a clear audio message

"PLEASE
SANITISE
YOUR
HANDS"

307EIA100

NEW EXCLUSIVE to Seton
Patent pending

- Delivers a highly impactful critical safety message!
- Activates at the most relevant time!
- Fully flexible settings, you choose when it activates!
- Easily customisable. Record your own message and use any A4 sign!
- Safe to use inside or outside such as entrances, reception areas, car parks, warehouses and many more!

Choose from a range of starter kits (Alerter + A4 Sign) or order separately to configure your own.



307EFA100



307EDA100



307EHA100



307EKA100



307EGA100



307ELA100

▶ For videos and to see the product in action visit seton.co.uk/alserter

SETON
Signs, Labels & Solutions for a Safer Workplace

0800 585501
seton.co.uk

Ask **the** expert...

Do you have a question related to Health & Safety or Workplace Law?

Our experts are IOSH accredited and ready to answer your questions.



One of our workers
has had an
accident, is it
reportable under
RIDDOR?

What statutory
inspections are
required by law
for our plant and
equipment?

What do we
need to cover
when we deliver
H&S training?

How to 'Ask the expert'

1. Go to www.seton.co.uk/legislationwatch
2. Click on the red 'Ask the expert' tab at top of page
3. Enter your question on the form
4. We will respond via email within 48 hours!

Protecting site visitors

including the uninvited ones

Construction sites can be a health and safety nightmare, with multiple hazards to be identified and managed.

Key statistics issued by the HSE show that 40 fatal injuries to construction workers were recorded for 2019/20, accounting for the largest share of work-related fatalities. The three most common causes of fatal injuries continue to be; workers falling from height, being struck by a moving vehicle and being struck by a moving object, accounting for 60 per cent of all fatal injuries.

Responsible employers are aware that they have a duty of care to employees and site visitors, and manage their site effectively through scrupulous risk assessment and accident prevention procedures.

One such measure is the rigorous training of employees with regard to safe working practices. But what about those untrained members of the public who enter the site uninvited?



Increased trespassing

Trespassing incidents have steadily increased over the last five years, leading to an increase in injuries and fatalities amongst members of the public. Social media, for example, has seen an explosion in thrill-seekers, or 'urban explorers', keen to capture images of the skyline from 'unexpected angles' or to post footage of themselves parachuting from rooftops, or dangling from tower cranes. Other 'trespassers' can include adventurous children in search of a new playground, or a passer-by simply looking for a short cut.

While serious injury is tragic for those doing the trespassing, these accidents may also carry financially devastating liabilities for the landowners. A number of large construction and development companies have begun taking out injunctions through the High Court to cover their sites, since, without an injunction, trespassing is generally not considered a criminal offence.

Site safety and the law

Landowners' liability to trespassers is encompassed in the Occupier's Liability Act 1984. Landowners have a duty of care to anyone who is on their site, whether authorised or unauthorised. This means that if your worksite has not taken the necessary steps to deter and/or ensure the safety of trespassers, you as a landowner could be prosecuted, especially where negligence is evidenced.

While this legislation may seem unfair, there are a number of steps that employers can and should take to reduce the risk of injury. The HSE has issued a series of guidelines to encourage construction companies to improve site safety for the public and help to deter trespassers.

Major areas of concern for construction site safety

Below are the top health and safety concerns relating to construction sites, along with information about how to mitigate the impact of these hazards. Highly visible construction site safety signage is essential in all of these instances.

- Trespassing – the most effective way to reduce injury to unauthorised visitors is to prevent them from entering the site in the first place. This means increased security measures on site boundaries, including CCTV cameras and alarms, safety barriers, anti-climb fencing and other solutions to deter trespassing and reduce malicious damage such as theft and arson.
- Openings and holes – holes, gaps and openings in a worksite should be properly fenced off and guarded to prevent falls. Warning signs should be present to indicate the hazard to employees and other visitors.
- Falling objects – these are one of the leading causes of injury on UK construction sites. All employees and invited visitors should be equipped with the correct PPE, and safety equipment such as scaffolding netting and chutes should be installed to manage waste or falling debris.
- Vehicles – moving vehicles and heavy lifting equipment may present a hazard to passers-by. It is essential to have on site a number of portable signs to manage traffic flow.
- Dangerous materials – these can include heavy building materials, sharp metal objects, wires and even flammable materials. Arrangements should be in place to dispose of waste products responsibly.
- Slips, trips and falls – again it is imperative that you use both protective

barriers and effective safety signage to indicate the hazard. In certain circumstances it may also be necessary to build a pedestrian walkway around the site.

- Noise – although difficult to avoid, noise levels can be a major cause for distress. It is therefore important to follow the local noise ordinances closely.
- Dust – water is typically used to control dust levels.
- Dangerous equipment and machinery – operators of heavy equipment and site machinery should be trained to use and store equipment safely and to follow all mandatory safety protocols. Other mitigation measures may include anti-climb equipment on tower cranes.

For more information visit the HSE's website for a free-to-download copy of its 'Protecting the public: Your next move' guidance.

Seton recommends...



Style No. MM097BECRX



Style No. 303TDA170



Style No. 301RCA100



Slow and steady:

THE LAW OF THE CAR PARK

‘No need to speed’ is the theme for the UK’s Road Safety Week 2020. Road Safety Week is coordinated by the UK charity Brake and this year it will take place between 16th-22nd November. It aims to educate communities across the UK about the dangers of reckless driving and speeding.

According to Brake, 1,784 people were killed on British roads in 2018, while 25,511 people were seriously injured. Although the highest number of fatalities were motorists and their passengers, 2018 also saw 456 pedestrian deaths in the UK.

The ‘No need to speed’ campaign will educate drivers to travel at safer speeds, update the public regarding changes in technology, and ensure that business owners and employers are aware of their responsibilities with regard to road safety regulations.

Safe driving and the law

Businesses with driveways, car parks or drive-through areas need to be aware of the legal requirements involved in maintaining road safety for these zones. Employers are responsible for ensuring that traffic is managed on site, speed limits are observed, and that all directional and safety signs are visible and accurate.

The Health and Safety at Work Act 1974 requires employers to take steps to protect their employees while at work. Their

responsibilities include the safety of those employees who are required to drive or ride in a vehicle.

While employers cannot completely control the actions and safety of staff, it is important to mitigate the dangers involved in driving for work. This can be achieved in part through providing education and training for staff on the meaning of traffic safety signs and signals used in the workplace.



The importance of signage

Signage plays an integral role in pedestrian safety in car parks. It is an employer’s responsibility to adhere to the Health and Safety (Safety Signs and Signals) Regulations 1996 and ensure that all hazards, risks and directional requirements are clearly demarcated with highly visible signs.

Managing traffic flow can be difficult in car parks and especially in areas such as construction sites, where layouts are frequently changing. It is important to keep a range of traffic and car parking signs on site for both permanent installation and more temporary solutions.

The correct placement of signage is critical, as signs need to be installed in areas that are highly visible to both pedestrians and motorists. Maintenance is also a key consideration for traffic signs as

the majority are located outdoors, and it is vital to perform regular checks to ensure that they have not been rendered illegible through the effects of weather, vegetation or vandalism.

Traditional traffic calming measures

There are a number of steps you can take to calm traffic, ensure safe entry and exit, and enforce speed limits on your worksite. There is a wide range of car park management equipment that can be used to improve safety in parking lots, car parks or on roadways. Parking blocks, for example, can be employed to control the position of parked vehicles, while one way traffic spikes and traffic flow plates can be used to prevent vehicles from moving in the wrong direction. Lockable hinged posts, barriers, line marking equipment, traffic cones and bollards, and other essential equipment will ensure that

parking is well organised, parking facility speeds are maintained, and cars adhere to one-way traffic flows.

The future of the speed bump

With a view to the future of safety technology, Seton has developed an innovative speed bump product that combines multiple strands of technology to revolutionise traffic management. A finalist in the 2019 ‘Tomorrow’s Health and Safety Awards’, this speed bump features an innovative ground fixing system to provide an extra durable, super strong speed bump, with hold-fast technology that minimises danger to the bump itself. If you are looking at ways to increase the safety of your roadway or car park, this is a simple, effective and cost-efficient method – and it comes in a range of different heights to slow traffic according to the specific needs of your workplace.

Q&As



Q. When and how do I conduct a risk assessment?

A. In accordance with local legislation, a full risk assessment must be conducted when there is an activity that could cause harm to a person or property, changes to legislation or external enforcing bodies, changes to personnel, policies and procedures etc.

A full risk assessment will need to be completed by a competent person for the project works, considering all of the potential hazards which could cause harm to your property,

employees and others. It is a legal requirement for the person conducting the risk assessment to be qualified and experienced, and for the risk assessment to be suitable and sufficient.

There are training courses available that will qualify a person in the risk assessment process.

Employers are required to undertake risk assessments annually regarding the risks to the health and safety of employees and anyone else who may be affected by the employer's business. Risk assessments may be required to be reviewed sooner in

accordance with local legislation. i.e. following the introduction of new machinery, personnel, changes to legislation and following an incident/accident.

As a guide, the five steps to risk assessment are:

1. Identify the potential hazards
2. Determine who can be harmed and how
3. Evaluate the risks and decide on the precautions/control measures
4. Record findings and take action
5. Continually review and update your risk assessments

Q&As



Q. We want to allow staff to use the 'microwave room' but can only allow one person in at a time while maintaining a safe distance. We can't see if anyone is in the room when the door is closed so ideally want to leave it open. As this is a fire door, can we do this or does it need to remain closed at all times? Is there a way we can manage the risk if we keep this door open?

A. If it is a fire door then it is important that the door is not wedged open. You can hold the fire door open legally using a Fire Door Retainer, these will simply release and allow the door to close when a fire alarm sounds. Another solution might be to install an occupied/vacant sign on the door. This allows users to slide the sign to the appropriate position when entering and leaving the room. They are normally self-adhesive so are simple to install, do not impact the integrity of the door if it is a fire door and can be removed in future if no longer required. Another option would be to install a replacement fire door with a viewing panel, however this would be much more costly.

News ROUND UP



Pandemic workday is 48.5 minutes longer

A study of 3.1 million people around the world has been published by the National Bureau of Economic Research. It shows that while working from home, people are spending an extra 48.5 minutes working each day during the pandemic. Researchers also calculated that the number of meetings increased by around 13% and an average of 1.4 more emails were sent each day to colleagues.



Face mask found in chicken nugget

A six-year-old girl almost choked on a blue surgical face mask that she found baked into a McDonald's chicken nugget from the Aldershot branch in Hampshire. McDonalds has apologised and a spokesperson said: "As soon as we were made aware of the issue, we opened a full investigation with the relevant supplier, and have taken action to ensure any product from this batch is removed from restaurants."



Schools urged to tackle asbestos

The UK Government will invest over £2bn for upgrades and repairs to schools and colleges in England this year as part of a 10-year transformative rebuilding programme. Bureau Veritas is urging educational institutions to address the ongoing risks associated with asbestos. An estimated 86% of UK schools contain asbestos and according to the National Education Union, at least 363 school teachers have died from mesothelioma since 1980.

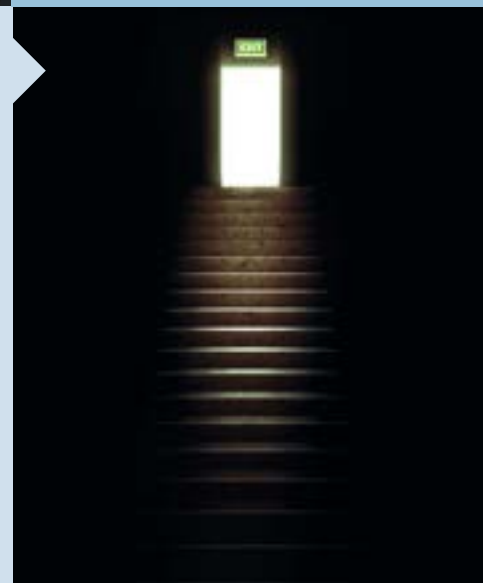
Leicester factories investigated for modern-day slavery

A new report has highlighted pay as low as £3 per hour and poor working conditions across factories in Leicester. The report, Labour Behind the Label, also recognises the many safe factories. The HSE attended several premises to issue health and safety advice and enforcement action, further spot inspections are due to take place. IOSH believe there are as many as 13,000 victims of modern day slavery in the UK.



Poor lighting was primary cause of fire escape death

The operator of Aberdeen Market has been prosecuted over a contravention of the Fire (Scotland) Act 2005 and fined £80,000 following the death of an 80-year-old man. Mr Frank Finnie was discovered at the bottom of a fire escape at the indoor market in June 2018. After an investigation was carried out, poor lighting was found to be the primary cause of the incident.



November 2020

Council charged over girl killed by rotting swing

Tower Hamlets Council has been charged with breaching the Health and Safety at Work Act 1974 over the death of a little girl when a rotting log swing collapsed on her in July 2015. Reports found that annual inspections of the play equipment had not been carried out by the council and that the wood used to construct the swing was unsuitable.



Retail staff fear customer abuse over mandatory face coverings

A survey has been carried on more than 2200 shop workers by retail trade union Usdaw. It found that 42% of shop workers have experienced aggression when enforcing the wearing of face coverings inside shops, and more than two thirds have received abuse when encouraging social distancing. Half of respondents had been confronted about long queues, while 46% of retail workers have been blamed for lack of stock.

Ceiling collapse at school event

The owners of a banqueting suite in Birmingham have been prosecuted after a large section of a ceiling collapsed injuring six people. Jami Mosque and Islamic Centre has been fined £12,000 plus £3,000 in costs for failing to fulfil duties under the CDM Regulations 2015. Contractor Peter Lakin, pleaded guilty to one offence under the Health and Safety at Work Act. He was handed a 4-month prison sentence, suspended for 12 months, and ordered to pay costs of £2000.



Increased legionella risk during pandemic

Public Health England, the Health and Safety Executive and Sandwell Council investigated three confirmed cases of Legionnaire's disease and six suspected cases in West Bromwich in September. The COVID-19 pandemic means that many businesses and their premises are temporarily closed, creating more risk of legionella developing in water systems that sit dormant.



The wrong trolley for the job

C & R Powder Coating and Welding Fabrication has admitted breaching regulation 4 of the Provision and Use of Work Equipment Regulations (PUWER) and ordered to pay £30k after ten polycarbonate sheets, weighing 34kg each, toppled onto an employee. The worker was checking the straps on a wheeled A-frame trolley when the load unexpectedly fell, pushing him to the ground and shattering his lumbar vertebrae.



Knowledge Centre: Help & Advice

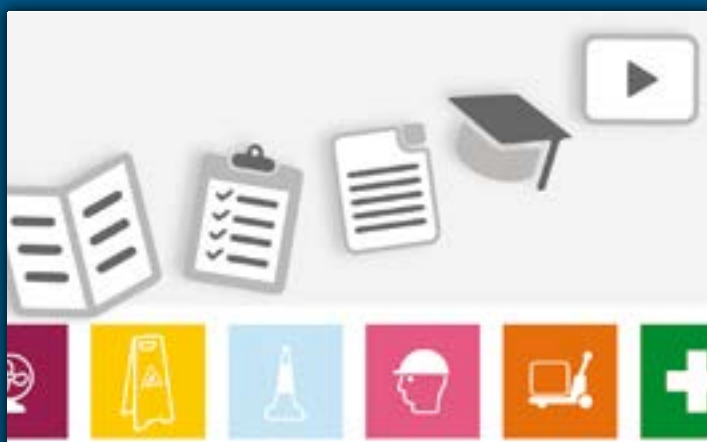
Vital information on health and safety legislation, detailed product guides and the latest hot topics and industry news.



LegislationWATCH

Helping you comply with legislation

- Browse hundreds of articles on current, new and pending legislation
- Download our popular Legislation Watch magazines



PRODUCT GUIDES & TRAINING TOOLS

Your free product guides and training resources

- Seton product guides
- Useful checklists
- Downloadable training presentations

seton.co.uk/knowledge-centre

Ask the expert...

Do you have a question related to Health & Safety or Workplace Law?

Our team of IOSH accredited experts are here to help!

Simply go to www.seton.co.uk/legislationwatch
and click on 'Ask the Expert'

**Free
service**

